Application No. 09/934,455 Docket No.: MBI-0025

REMARKS

Applicants request examination of the elected subject matter on the merits.

After entry of this amendment, Claims 1-33 and 44-47 will be pending. Claims 10, 12, 15, 17, 26, 28, and 45-47 concerned non-elected subject matter and have been canceled. Applicants expressly reserve their rights under 35 U.S.C. § 121 to file a divisional application directed to the canceled and non-elected subject matter during the pendency of this application, or to an application claiming priority from this application.

Claims 34-43 and 48-70 have been withdrawn.

Support for the amendments to the claims may be found in the claims as filed. Several claims have been amended to correct an error in Markush format. Additional support for the amendments to Claims 11, 27, and 16, which are made to identify G1792 (SEQ ID NO: 5 and 6) as being able to confer more tolerance to growth under nitrogen-limiting conditions, may be found in the specification on page 54, paragraph 0171. Support for the amendments to Claims 1 and 4 concerning high stringency conditions may be found on page 18, paragraph 0048.

Applicants believe that no fee is due with this Response. However, if the Commissioner determines that a fee is due, the Commissioner is hereby authorized to charge such fee to Mendel Biotechnology, Inc. Deposit Account No. **50-1025**. This document is submitted in duplicate.

Respectfully Submitted,

Dated: October 27, 2003

By: _____
Jeffrey M. Libby, Ph.D.
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